

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LAURIE JONES, individually and as Personal  
Representative of the ESTATE OF  
CHRISTOPHER JONES, deceased,

CV-06-1656-ST

Plaintiff,

v.

CIRRUS DESIGN CORPORATION and  
AVIDYNE CORPORATION,

Defendants.

CIRRUS DESIGN CORPORATION and  
AVIDYNE CORPORATION,

Third-Party Plaintiff,

v.

JENNIFER S. LINCK or JANE DOE or  
JOHN DOE, who may be appointed as personal  
representative of the Estate of PAUL SCHIOLER-  
LINCK,

Third-Party Defendant.

FINDINGS AND  
RECOMMENDATION ON THIRD-  
PARTY DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

STEWART, Magistrate Judge:

Third-Party Defendant, Jennifer S. Linck, as personal representative of the Estate of Paul Schioler-Linck, filed a motion for summary judgment because the claims of Third-Party Plaintiffs, Cirrus Design Corporation (“Cirrus”) and Avidyne Corporation (“Avidyne”), are time-barred against the estate under Washington law (docket #152).

Avidyne does not oppose this motion based on the lack of insurance coverage against Linck for the death of Christopher Jones (docket #188). Cirrus filed a response to the motion advising that it has entered into a settlement with plaintiff and intends to voluntarily dismiss its claims against Linck (docket #187).

#### **RECOMMENDATION**

Because the Third-Party Defendant’s motion (docket #152) is unopposed, it should be granted. The Third Party Complaint should be dismissed with prejudice and the caption should be amended accordingly.

#### **SCHEDULING ORDER**

The Findings and Recommendation will be referred to a district judge. Objections, if any, are due October 26, 2009. If no objections are filed, then the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due within 10 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 8<sup>th</sup> day of October, 2009.

s/ Janice M. Stewart\_\_\_\_\_  
Janice M. Stewart  
United States Magistrate Judge